

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **James E Comose, Jr.**

Case No.: _____

Judge: _____

Debtor(s)

Chapter: _____

13

CHAPTER 13 PLAN AND MOTIONS

☐ Original☒ Motions Included☒ Modified/Notice Required☐ Modified/No Notice Required☒ Discharge Sought☐ No Discharge SoughtDate: 1/11/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay **\$218.00** Monthly to the Chapter 13 Trustee, starting on **August 1, 2016** for approximately **48** months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
McDowell Posternock Apell & Detrick PC	Attorney Fees	\$3,000.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M&T Bank	7901 Greenbrier Rd., Pennsauken NJ 08109	\$6,402.26	0%	\$6,402.26	\$1,840.18

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated

as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Ditech	7901 Greenbrier Road, Pennsauken NJ 08109	\$14,403.45	\$180,223.00	\$206,520.62	0	n/a	0
U.S. Department of HUD - POC # 2	7901 Greenbrier Road, Pennsauken NJ 08109	9,993.51	\$180,223.00	\$206,520.62	0	n/a	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Credit Acceptance Corp.	2004 Jeep Grand Cherokee	\$2,769.00	\$8,157.18
Mariner Finance	2001 Ford Explorer 96,000 miles	\$4,077.00	unknown

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
GM Financial	Auto Lease	Assume

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
U.S. Department of HUD - POC # 2	7901 Greenbrier Road. Pennsauken NJ 08109	\$9,993.51 - entire amount
Ditech	7901 Greenbrier Road. Pennsauken NJ 08109	\$14,403.45 - entire amount

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: **9-12-2016**

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Debtor can no longer afford to keep vehicle and wishes to surrender it.	Moved Credit Acceptance Corp from Unaffected Section 4d to Surrender Section 4c.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date January 11, 2017 /s/ Thomas G. Egner, Esq.
Thomas G. Egner, Esq.
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: January 11, 2017 /s/ James E Comose, Jr.
James E Comose, Jr.
Debtor

Date: _____
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 James E. Comose, Jr.
 Debtor

Case No. 16-24115-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 36

Date Rcvd: Jan 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 14, 2017.

db #+James E. Comose, Jr., 7901 Greenbriar Rd, Pennsauken, NJ 08109-3272
 516331315 +ACAR Leasing Ltd, d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 516301794 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)
 516307124 ++CREDIT ACCEPTANCE CORPORATION, 25505 WEST 12 MILE ROAD, SOUTHFIELD MI 48034-8316
 (address filed with court: CREDIT ACCEPTANCE, 25505 WEST 12 MILE ROAD,
 SOUTHFIELD, MI 48034)
 516384880 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 516301796 +Credit Acceptance Corp., Po Box 513, Southfield, MI 48037-0513
 516412638 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
 PO Box 10390, Greenville, SC 29603-0390)
 516301798 +++DITECH FINANCIAL LLC, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311
 (address filed with court: Ditech Financial Llc, 332 Minnesota St Ste 610,
 Saint Paul, MN 55101)
 516301799 +Equifax Information Services, PO Box 740241, Atlanta, GA 30374-0241
 516301800 +Experian, PO Box 4500, Allen, TX 75013-1311
 516301801 +Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
 516301803 +GM Financial, PO Box 100, Williamsville, NY 14231-0100
 516301802 +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 516320260 Lakeview Loan Servicing, LLC, KML Law Group PC, Sentry Office Plaza,
 216 Haddon Avenue, Suite 206, Westmont, NJ 08108
 516489611 +MARINER FINANCE, LLC, 8211 TOWN CENTER DRIVE, NOTTINGHAM, MD 21236-5904
 516301806 +Mariner Finance, 8211 Town Center D, Nottingham, MD 21236-5904
 516432023 +Midland Funding LLC, PO Box 2011, Warren MI 48090-2011
 516392363 +Novad Management Consulting, Attn: Partial Claims Cash Management,
 2401 NW 23rd St., Suite 1A1, Oklahoma City, OK 73107-2448
 516301807 +State of New Jersey Division of Taxation, Bankruptcy Section, PO Box 245,
 Trenton, NJ 08695-0245
 516301810 +Township of Pennsauken, Attn: Tax Office, 5605 N. Crescent Blvd, Pennsauken, NJ 08110-1834
 516301811 TransUnion, PO Box 2000, Chester, PA 19022-2000
 516301812 +TruGreen, 1790 Kirby Pkwy, Suite 300, Memphis, TN 38138-7411
 516387752 +U.S. Department of Housing and Urban Development, 451 7th Street S.W.,
 Washington, DC 20410-0002
 516318567 +US Dept of Housing & Urban Dev, 451 7th Street S.W., Washington DC 20410-0002

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 12 2017 23:36:18 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jan 12 2017 23:36:15 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516502073 E-mail/Text: bankruptcy.bnc@ditech.com Jan 12 2017 23:35:58 Bank of America, N.A.,
 c/o Ditech Financial LLC, PO Box 6154, Rapid City, SD 57709-6154
 516423468 +E-mail/Text: bankruptcy@cavps.com Jan 12 2017 23:36:33 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 516301795 +E-mail/Text: ned-collections_bankruptcydocuments@comcast.com Jan 12 2017 23:36:46 Comcast,
 PO Box 69, Newark, NJ 07101-0069
 516301797 +E-mail/Text: electronicbkydocs@nelnet.net Jan 12 2017 23:36:20 Dept Of Education/neln,
 121 S 13th St, Lincoln, NE 68508-1904
 516301804 +E-mail/Text: cio.bncmail@irs.gov Jan 12 2017 23:35:45 Internal Revenue Service,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 516301805 E-mail/Text: camanagement@mtb.com Jan 12 2017 23:35:59 M & T Bank, 1100 Wehrle Drive,
 Buffalo, NY 14240
 516429968 E-mail/Text: camanagement@mtb.com Jan 12 2017 23:35:59 M&T Bank, P.O. Box 840,
 Buffalo, NY 14240-0840
 516301808 +E-mail/PDF: gecsed@recoverycorp.com Jan 12 2017 23:39:27 Synch/Care Credit,
 C/o Po Box 965036, Orlando, FL 32896-0001
 516301809 +E-mail/PDF: gecsed@recoverycorp.com Jan 12 2017 23:39:27 Synch/jcp, Po Box 965007,
 Orlando, FL 32896-5007
 516324493 +E-mail/Text: electronicbkydocs@nelnet.net Jan 12 2017 23:36:20 U.S. Department of Education,
 C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516301813* ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Webbank/dfs, 1 Dell Way, Round Rock, TX 78682)

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 36

Date Rcvd: Jan 12, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 14, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 11, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Lakeview Loan Servicing, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Thomas G. Egner on behalf of Debtor James E. Comose, Jr. tegner@mpadlaw.com,
kgresh@mpadlaw.com/djamison@mpadlaw.com/jhughes@mpadlaw.com

TOTAL: 4